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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,790	09/28/2001	Reem Safadi	GIC -574	5383

7590 06/28/2005
Barry R Lipsitz
Building 8
755 Main Street
Monroe, CT 06468

EXAMINER

DADA, BEEMNET W

ART UNIT PAPER NUMBER

2135

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,790

Applicant(s)

SAFADI ET AL.

Examiner

Beemnet W. Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/01/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-42 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wool US Patent 6,073,122 in view of Wasilewski et al US Patent 6,157,719 (hereinafter Wasilewski).

4. As per claims 1 and 22, Wool teaches a method of providing access control for pre-encrypted on-demand content, comprising the steps of:

providing a first tag to a user terminal, said first tag being associated with a second tag
(Package key & Program key, see column 2, lines 56-60);

said second tag acting as a reference to the pre-encrypted content and associated first tag, wherein said first and second tags are unique to the pre-encrypted content and are tracked by a pre-encryption controller [column 2, lines 61 – column 3, lines 6] ;

providing at least said second tag to said server [column 3, lines 1-14];

communicating the pre-encrypted content from said server to said user terminal via a first communication path [column 2, lines 61- column 3, lines 6];

communicating an entitlement authorization associated with the pre-encrypted content to said user terminal via a second communication path independent of said first communication path [column 7, lines 3-11]; and

determining whether said user terminal is authorized to access said pre-encrypted content based on said entitlement authorization and said first tag upon demand of said content by a user [column 5, lines 28-39 and column 7, lines 3-11]. Wool is silent on pre-encrypting the content and forwarding the pre-encrypted content to a server. However, within the same field of endeavor Wasilewski teaches pre-encrypting the content and forwarding the pre-encrypted content to a server [see column 7, lines 42-57]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Wasilewski within the system of Wool in order to allow pre-encryption of content before providing to a distributing server thereby enhancing the security of the system.

5. As per claims 2 and 23, Wool further teaches a main server communicating the encrypted content and first tag to the user terminal via a local distribution server and further communicating entitlement authorization to the user terminal [column 2, line 61- column 3, line 6].

6. As per claims 3-6 and 24-27, Wool further teaches a first and second tags (i.e. Package key & Program key, column 2, lines 58-60) further including communicating first and second tag to the user terminal via a local distribution server and further communicating entitlement authorization to the user terminal [column 2, line 61- column 3, line 6].

7. As per claims 7-9 and 28-30, Wool further teaches only a user terminal with appropriate entitlement authorization will be able to decrypt the broadcast content [column 7, lines 3-11].

8. As per claim 10 and 31, Wool further teaches an entitlement authorization comprises an entitlement authorization for a service carrying the content [see figure 7].

9. As per claims 11-17 and 32-38, Wool further teaches receiving the encrypted content and encrypted tag by a user terminal and decrypting the encrypted tag and encrypting the content [column 5, lines 28-39 and column 7, lines 3-11].

10. As per claims 18-21 and 39-42, Wool further teaches the user terminal is a set-top box and the content is accessed via the Internet [see figure 1].

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

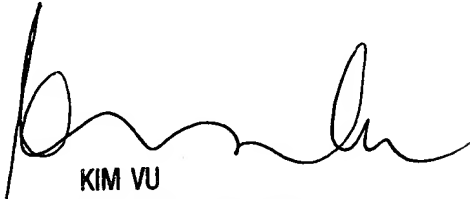
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

June 23, 2005



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100